

Claimant has not established by a preponderance of evidence that her present request for medical treatment is due to accidental injury which arose out of and in the

course of her employment with respondent. The Appeals Board finds that claimant suffered an intervening accident at home on April 15, 1993. That accident did serve to aggravate her previous work-related injury of April 6, 1992 but nevertheless, it constitutes a separate, intervening act such that her present complaints are not compensable as a natural and probable consequence of the original injury.

By finding claimant's current complaints are not the result of the work-related accident, the Appeals Board need not reach the second issue of whether a timely claim was made.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge Shannon S. Krysl, dated July 19, 1994, should be, and is hereby, reversed.

IT IS SO ORDERED.

Dated this ____ day of March, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

cc: Carlton Kennard, Pittsburg, KS
Anton C. Andersen, Kansas City, KS
Shannon S. Krysl, Administrative Law Judge
George Gomez, Director